REMARKS

1. The Amendments and the Support Therefor

No claims are canceled, no new claims are been added, and claim 23 has been amended to correct an inadvertent error and conform the claim to claim 9 and page 6 lines 1-9.

2. Rejection of Claims 1, 4-7, 9, 11, 21, 23, 24, and 27-29 under 35 USC §102 in view of U.S. Patent 5,330,500 to *Song*

Kindly reconsider and withdraw the rejection of ***independent claim 1***, which is understood to be founded on one of the following two interpretations:

(1) The recited first stent section of claim 1, which has reinforcing material in a first pattern oscillating about a line parallel to the longitudinal axis of the graft, is *Song*'s end sections 42 and 44, and the recited second stent section of claim 1, which has reinforcing material in a second pattern including separate spaced circumferential hoops extending circumferentially around the longitudinal axis of the graft, is *Song*'s midsection 20 (21-22-23-24);

(2) The recited first stent section of claim 1, which has reinforcing material in a first pattern oscillating about a line parallel to the longitudinal axis of the graft, is *Song*'s midsection 20 (21-22-23-24), and the recited second stent section of claim 1, which has reinforcing material in a second pattern including separate spaced circumferential hoops extending circumferentially around the longitudinal axis of the graft, is *Song*'s end sections 42 and 44.

However, as noted in MPEP 2131, "A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference" (emphasis added). Or, as stated by the Court of Appeals for the Federal Circuit, "[t]o anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, *arranged as in the claim*" (emphasis added).[1] We submit that *Song* does not disclose the matter set forth in claim 1.

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[1] *Brown v. 3M*, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001); see also *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Sandt Technology Ltd. v. Resco Metal and Plastics Corp.*, 60 USPQ2d 1091, 1094 (Fed. Cir. 2001).

Regarding *interpretation (1)* above, *Song*'s end sections 42 and 44 don't have a first section as recited, i.e., a "first stent section comprising reinforcing material formed into a first pattern . . . . wherein the reinforcing material of the first pattern is disposed on the tubular graft in a pattern which oscillates about a line which is parallel to the longitudinal axis of the tubular graft." Neither section 42, nor section 44, *oscillate* in the recited direction (i.e., they do not reciprocate about the recited line)[2] – both expand outwardly as they extend towards the ends of the graft, but they do not then converge inwardly again. *Song*'s midsection 20 (21-22-23-24) also doesn't constitute a second section as recited, i.e., a "a second stent section comprising reinforcing material formed into a second pattern . . . . wherein the reinforcing material of the second pattern includes *separate spaced* circumferential hoops extending circumferentially around the longitudinal axis of the tubular graft." The zigzag "hoops" of 20-21-22-23-24 are not separate and spaced – they're joined, as can be seen with reference to FIG. 3 and column 2 line 67-column 3 line 14. Interpretation (1) therefore does not establish anticipation.

Regarding *interpretation (2)* above, even if *Song*'s midsection 20 (21-22-23-24) is regarded as being a first section including reinforcing material "oscillat[ing] about a line which is parallel to the longitudinal axis of the tubular graft," *Song*'s end sections 42 and 44, which each include only a single hoop, cannot be regarded as constituting the recited second section (with "separate spaced circumferential *hoops* extending circumferentially around the longitudinal axis of the tubular graft") unless the end sections 42 and 44 are *together* regarded as constituting a "second section" – and this is a not reasonable interpretation of claim 1, since the end sections 42 and 44 constitute separate "sections" within the meaning of claim 1. Further note that claim 1 recites that each stent section has a "region," and sections 42 and 44 of *Song* – which are separated by *Song*'s midsection 20 (21-

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[2] See, e.g., the definitions of "oscillate" provided at the online dictionaries:

- Encarta: "move backward and forward: to swing between two points with a rhythmic motion" (http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861635580)
- Merriam-Webster's Online Dictionary: "to swing backward and forward like a pendulum: to move or travel back and forth between two points" (http://www.onelook.com/?w=oscillate&loc=scworef&scwo=1&ls=a)
- Cambridge Dictionaries Online: "to move repeatedly from one position to another" (http://dictionary.cambridge.org/define.asp?key=56050&dict=CALD)

22-23-24) – cannot be regarded as defining a "region" (or a "section"). *Song*'s end sections 42 and 44 define separate region*s* or section*s*.

Kindly also reconsider and withdraw the rejection of ***independent claim 11***. This is understood to assert that end sections 42 and 44 constitute the recited first stent section including reinforcing material formed into a first pattern, with the first pattern including a continuous length of reinforcing material which oscillates about a line parallel to the longitudinal axis of the first stent section. However, as discussed above with respect to claim 1 and interpretation (1), neither of *Song*'s section 42 nor section 44, taken individually, *oscillate* as recited – both expand outwardly as they extend towards the ends of the graft, but they do not then converge inwardly again. If *Song*'s section 42 and section 44 are instead considered *collectively* as constituting the recited first stent section – an interpretation which, as discussed above, is not a reasonable reading that an ordinary artisan would fairly make – it is then notable that these end sections 42 and 44 not include the recited *continuous* length of reinforcing material oscillating in the reciting manner. If one looks to one of the converging (inwardly extending) continuous lengths of material (e.g., 381), note that this terminates at 36, and does not expand (extend outwardly) in such a manner that it can fairly be said to be oscillating.

The rejection of independent claim 11 is further understood to assert that *Song*'s midsection 20 (21-22-23-24) constitutes the recited second pattern. However, claim 11 also recites that "the second stent section *does not include* reinforcing material formed into the first pattern" (i.e., into "a continuous length of reinforcing material which is disposed around the first stent section in a pattern which oscillates about a line which is parallel to the longitudinal axis of the first stent section"). Contrary to this recitation, *Song*'s midsection 20 (21-22-23-24) *includes* reinforcing material formed into the first pattern (as admitted by interpretation (2) of the rejection of claim 1).

Regarding the rejection of ***independent claim 21***, this is understood to utilize the alternative interpretations applied against claim 1, and this rejection should be withdrawn for generally the same reasons discussed above for claims 1 and 11. Regarding *interpretation (1)*, as discussed above, *Song*'s end sections 42 and 44, taken either individually or collectively, don't have a first section having a "*continuous* length of reinforcing material which is disposed around the tubular graft in a

pattern which *oscillates* about a line which is parallel to the longitudinal axis of the tubular graft." There is no continuous length in *Song*'s end sections 42 and 44 which oscillates in this manner. As for *interpretation (2)*, wherein *Song*'s end sections 42 and 44 are regarded as constituting the recited second section, here too the condition that "the first stent section does not include reinforcing material formed into the second pattern, and the second stent section does not include reinforcing material formed into the first pattern" is not met: as noted above, *Song*'s midsection 20 (21-22-23-24) (here the "first section") *includes* reinforcing material formed into the first pattern, i.e., "a continuous length of reinforcing material which is disposed around the tubular graft in a pattern which oscillates about a line which is parallel to the longitudinal axis of the tubular graft" (as admitted by the Office Action's application of interpretation (1)).

In addition, ***dependent claims 9 and 23*** are submitted to be novel because the recited features (2+4n peaks wherein n is an integer ranging from 1 to 3) is not in fact present in *Song*, wherein sections 42 and 44 each have 12 peaks (or 24, if "upper" and "lower" peaks are counted). The recited arrangement, which yields the advantages noted at page 6 lines 1-9, is also unobvious because it is in no way evident from the art of record, or in view of common knowledge in the field.

3. In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

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